Single Bench (4)

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. (S) No. 6771 / **2006**

PETITIONERS : 1. Rambharos Sori, S/o Shri Bisnath Sori, aged about 38 Years Assistant Teacher, Govt. Primary School, Gardi, Block - Bilaigarh, Distt. - Raipur (C.G.)

2. Ramesh Kumar Kanwar, S/o. Shri Laxman Singh Kanwar, aged about 39 years, Assistant Teacher, Govt. Primary School – Chaperi, Block-Bilaigarh , Distt. – Raipur (C.G.)

3. Smt. Geeta Khandekar, (Now Kurrey) W/o Shri Mahesh Ram Kurrey, aged about 35 years, Assistant Teacher , Govt. Middle School , Kaitha, Block - Block-Bilaigarh , Distt. – Raipur (C.G.)

4. Smt. Nisha Gadhe, (Now Chauhan) D/o. Shri Mulchand Gadhe, aged about 35 years, Assistant Teacher, Govt. Primary School , Darra, Block Block - Bilaigarh , Distt. – Raipur (C.G.)

5. Smt. Kamal Rani Dahriya, W/o. Shri Dinesh Kumar Dahriya, aged about 33 years Assistant Teacher, Govt. Middle School, Durug, Block-Bilaigarh , Distt. – Raipur (C.G.)

P.R. No. 6891/06 received by Shri Amit Singh 30-11-06

RECEIVED-COPY 30/11/06 CLERK to A. G. BILASPUR

OATH COMMISSIONER APARNA MALVIYA 26/11/06 Bilaspur Chhattisgarh

6. Moti Ram Tandon, S/o. Shri Icchha Ram Tandon, aged about 35 years, Assistant Teacher, Govt. Middle School , Junwani, Block- Bilaigarh, Distt. – Raipur (C.G.)

7. Sahash Ram Satre, S/o. Shri Mani Ram, aged about 37 years, Assistant Teacher, Govt. Primary School, Bodadih, Block - Bilaigarh, Distt. – Raipur (C.G.)

8. Gopi Ram Kurrey, S/o. Shri Ghuru Ram Kurrey, aged about 36 years, Assistant Teacher, Pre-Matric Tribal Boys Hostel, Dhansir, Block - Bilaigarh, Distt. – Raipur (C.G.)

9. Prahlad Prasad Kote, S/o. Shri Manohar Lal Kote, aged about 40 years, Assistant Teacher, Govt. Primary School- Boda, Block - Bilaigarh, Distt. – Raipur (C.G.)

10. Smt. Usha Jatwar, W/o. Shri Nohar Singh Jatwar, aged about 39 years, Assistant Teacher, Govt. Primary School- Parsadih, Block - Bilaigarh, Distt. – Raipur (C.G.)

11. Bhaiya Ram Patle Prahlad, S/o. Shri Banafar Lal Patle, aged about 37 years, Assistant Teacher, Govt. Hr. Sec. School- Parsadih, Block - Bilaigarh, Distt. – Raipur (C.G.)

OATH COMMISSIONER APARNA MALVIYA CC-[illegible]

(2) (6)

12. Bharat Lal Kurrey, S/o. Shri Shis Ram Kurrey, aged about 36 years, Assistant Teacher, Govt. Hr. Sec. School - Sarsiwa, Block - Bilaigarh, Distt. – Raipur (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgrh, Through – The Secretary Department of Education/Tribal Welfare, D.K.S. Bhawan Raipur (C.G.)

2. Director, Public Instruction, Chhattisgarh Govt. Raipur

3. Commissioner, Tribal Welfare Chhattisgarh Govt. Raipur

4. District Education Officer, Distt. Raipur (C.G.)

5. Assistant Commissioner, Tribal Welfare, Distt. – Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC. TO DO JUSTICE IN THE MATTER.

submits as under:-

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(62)

मामला क्रमांक W.P.(S).6771 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.12.2006

Shri A.S. Rajput, learned counsel for the petitioners.
Shri Ajay Dwivedi, learned P.L. for the State/respondents.

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No. 1452/1998 (Harish Chandra Singh and others Vs. State of M.P. and others) dated 31.1.2000

2. Learned counsel appearing for the petitioners placed on record copy of the order dated 3rd October 2006 passed by this Court in Writ Petition (S) No. 5473/2006 (Rakesh Kumar Sharma and another Vs. State of Chhattisgarh and others) and in Writ Petition (S) No. 5474/2006 (Jai Nath Bajpai Vs. State of Chhattisgarh and others) and submits that the petitioners are similarly situated, therefore, the similar order may be passed.

3. The case of the petitioners is that they were appointed as Assistant Teachers in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioner was regularized but, they were not given the regular pay scale from the date of their initial appointment. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioners made several representations to accord the same

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(63)

मामला क्रमांक W.P.(C) 6731 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	treatment as they were also similarly situated, but, the respondents have not paid any heed. Thus, this petition. 4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31.1.2000, to which learned counsel for the respondents/State has no objection. 5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in Original Application No. 1452/1998. 6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs. 7. Certified copy as per rules.	**Sd/-** **Dhirendra Mishra** **Judge**

P.T.O.